

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT, <i>et al.</i> ,	:	
	:	
Petitioners,	:	
	:	
v.	:	Docket No. 587 M.D. 2014
	:	
PENNSYLVANIA DEPARTMENT OF	:	
EDUCATION, <i>et al.</i> ,	:	
	:	
Respondents.	:	

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**APPLICATION FOR DECISION OF THE  
APPLICATION IN THE NATURE OF A  
MOTION TO DISMISS FOR MOOTNESS**

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Pursuant to Pennsylvania Rule of Appellate Procedure 123 and the order that the Court issued on May 7, 2018 (“Order”), Respondent Joseph B. Scarnati, President *pro tempore* of the Pennsylvania Senate, applies for this Court to decide the Application in the Nature of a Motion to Dismiss for Mootness (“Mootness Application”) that he filed on December 27, 2017. In support of this application, Senator Scarnati states as follows:

1. On December 27, 2017, Senator Scarnati filed the Mootness Application, asking the Court to dismiss this case as moot.
2. On March 7, 2018, the Court heard oral argument on the Mootness Application.
3. On May 7, 2018, the Court issued the Order.

4. In the Order, the Court stated that it will “defer ruling on the [Mootness Application], pending further development of the issue by the parties.”

5. The Court also established the following schedule:

Petitioners may file any amended pleading, shall submit factual support under oath or penalty of law for their argument against mootness, and may file further written argument, within 60 days of the date of this Order. Respondents may file any responsive materials within 90 days of the date of this Order. Thereafter, any party may file a written application for decision of this issue by the Court.

6. Under this schedule, the time period for the parties to make their respective filings has closed, with each party having made a filing.

7. The Mootness Application is now ripe for disposition.

8. Senator Scarnati therefore files this application “for decision of this [mootness] issue by the Court.”

### **RELIEF SOUGHT**

WHEREFORE, for the reasons stated above, the Court should decide the Mootness Application.

August 13, 2018

Respectfully submitted,

/s/ Anthony R. Holtzman

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## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

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